IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 8361 of 2007(U)

PETITIONER:

KALIYAPPAN, AGED 57,
S/O.PERUMAL, C/O.C.K.RAVEENDRAN,
CHAKKI HOUSE, EDASSERY P.O., THLIKULAM.

BY ADV. SRI.P.G.SURESH
SRI.C.V.MANUVILSAN
SRI.G.SUDHEER (THURAVOOR)

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRSENTED BY THE CHIEF SECRETARY,
SECRETARIATE,THIRUVANANTHAPURAM.

2. THE CHILD WLFARE COMMITTEE,
REPRESENTED BY ITS CHAIRMAN,
GOVERNMENT JUVENILE HOME,
RAMAVARMAPURAM, THRISSUR.

3. THE DISTRICT PROBATION OFFICER,
THRISSUR.

4. THE SUB INSPECTOR OF POLICE,
VALAPPAD, THRISSUR.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.8361 of 2007

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Dated this the 13th day of March, 2007.

JUDGMENT

Two minors were found selling lottery tickets near Thriprayar temple. A voluntary organisation noticed them and they ultimately landed up before the Child Welfare Committee of Thrissur District. The petitioner, who has Ext.P1 electoral identity card, issued in April, 2006 from the State of Tamil Nadu, made Ext.P2 application for release of the children on the ground that he is their father. The Child Welfare Committee made due enquiries and Ext.P3 proceedings have been issued.

2. The two children Arul and Karthik are minors. The Child Welfare Committee noticed that Karthik had never been to school. Karthik stated that he lives with his father in Thalikulam. Arul and his mother live somewhere near Velankanni in Tamil Nadu and he is a third standard student in a Government school at Velankanni. Under the aforesaid circumstances and

having regard to the fact that the children were found to have been engaged in the activity of selling lottery tickets at the young age, the Child Welfare Committee did not feel it appropriate to let the petitioner have the immediate custody of the children and decided to direct the District Probation Officer, Thrissur to contact his counterpart in Nagapattanam with respect to the situation of the parents and also to transfer the children from CWC, Thrissur to CWC, Nagapattanam to decide the future course of action as per the spirit of Juvenile Justice Act. It would be practically impossible for the CWC, Thrissur to decide finally as to the course of action to be taken in relation to the children, whose place of origin is shown as Nagapattanam and under such circumstances, in my considered view, the decision contained in Ext.P3 is one rendered after duly considering all relevant factors. I do not find any ground to interfere with the said decision. Writ petition fails.

In the result, this writ petition is dismissed,

however directing that if the petitioner produces the relevant details and particulars before the District Probation Officer, Thrissur, the DPO will take follow up action in terms of the last paragraph of Ext.P3 at the earliest.

Thottathil B.Radhakrishnan,
Judge.

sl.